

REMARKS

Interview Summary

Applicant thanks Examiner Le for the interview granted on January 23, 2007. Dale Lazar, Lisa Norton, and Examiner Khanh Le participated in the interview. The interview was very helpful. Examiner Le suggested language to overcome the 35 U.S.C. 112(1), 112(2) and 103(a) rejections. This language is set forth in the attached claims. The substance of the interview is set forth in the arguments below.

112 Rejections Addressed

Claims 28-32, 34-47 and 50-66 are pending in the current application. Claims 28, 40, and 45 are the independent claims. Claims 64-66 are new, but the subject matter of these new claims has been taken from the subject matter of previous pending claims 36, 46, and 53.

Claims 28, 40, and 45, and their dependents, were rejected under 35 U.S.C. 112 for failing to comply with the written description requirement, and also for being indefinite. The Examiner rejected these claims in the August 23, 2006 Office Action because she found that the phrase "compensation based on the supply and demand per user depending on the demographics of the user" contained subject matter which was not described in the specification in a way that would reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner also stated in the August 23, 2006 Office Action that this phrase was not explained further in the specification and was also unclear because it could represent numerous situations.

In particular, the Examiner suggested that there are at least 3 reasonable interpretations for

the phrase “compensation based on the supply and demand per user depending on the demographics of the user”: 1. Basing the compensation asked of a user on the supply of users meeting certain criteria and the demand of users meeting certain criteria, which changes depending on the requirements of, for example, the content provider or advertiser, and the demographics of the users; 2. Basing the compensation asked of a user on the supply of users meeting certain demographics criteria and the demand of such users meeting such demographics criteria; and 3. Basing the supply and demand of the content by each user depending on the demographics of the user. Interpretation #1 is Applicant’s interpretation, set forth in the June 5, 2006 Amendment. Interpretations #2 and #3 are suggested possible interpretations set forth by the Examiner in the August 23, 2006 Office Action.

Applicant strongly disagrees with the 112 rejection. The phrase “compensation based on the supply and demand per user depending on demographics of the user” is clear and simply means that the compensation the user pays is based on the supply and demand of the users, depending on the demographics of the users. As previously noted, this phrase is supported in the specification on page 12, line 22 to page 13, line 5. No further explanation is required as there is only one reasonable interpretation. In fact, the Examiner’s own interpretation #2 agrees with Applicant’s interpretation #1, as these two interpretations are, in fact, the same. Both #1 and #2 mean that, for example, if an advertiser considers certain users very valuable (i.e., they are in demand), and there are not many of these users (i.e., there is a limited supply), that these users will thus need to pay extra for viewing content without advertising, as advertisers would consider such users as very valuable and content providers would be foregoing a high fee in not showing advertising to these users. In contrast, the Examiner’s interpretation #3 does not make sense in light of the claim language: “Compensation

based on the supply and demand per user depending on the demographics of the user” very specifically states that the supply and demand referred to is of **users**, not content. Thus, only one interpretation of this language is reasonable, that set forth by the Examiner in interpretation #1 and #2. However, as indicated in the January 23, 2006 interview, in order to expedite allowance of the claims, Applicant agreed to accept the Examiner’s suggested language, and, for clarification purposes, restate this limitation as “supply of and demand for each user depending on demographics of the user.” As there is only one reasonable interpretation for this phrase and because this phrase reasonably conveys to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, Applicant submits that the written description and indefinite rejections should be withdrawn.

103 Rejections Addressed

Claims 28, 40, and 45, previous to the current amendment, included the following limitations:

if the user elects to not view advertising with the program, receiving a choice compensation from the user, wherein the choice compensation is based on:

- supply and demand per user depending on demographics of the user; or
- ratings of the content being supplied; or
- viewing habits of the user; or
- a combination thereof.

Claims 28, 40, and 45 were rejected under 35 U.S.C. 103 as being unpatentable over Logan (U.S. Patent 5,721,827) in view of Garg (U.S. Patent 6,571,216) because the Examiner found that

this combination taught the limitation “compensation being based on viewing habits of the user”. Applicant respectfully disagrees. However, in order to expedite allowance of the claims, Applicant has deleted this limitation from independent claims 28, 40 and 45.

The limitation “compensation being based on supply and demand per user depending on demographics of the user” was rejected under 35 USC 112. As noted above, Applicant disagrees and submits that independent claims 28, 40 and 45 are patentable with the inclusion of this limitation.

Previous arguments that the limitation “compensation based on ratings of the content being supplied” was patentable were found by the Examiner to be persuasive. Thus, Applicant submits that independent claims 28, 40 and 45 are also patentable with the inclusion of this limitation.

Applicant thus submits that amended independent claims 28, 40 and 45 are allowable. Claims 29-32, 34-39, 41-44, 46-47, and 50-63 depend from claim 28, 40, or 45, and are thus also allowable for the same reasons.

Additional Language

Per the Examiner’s suggestion, Applicant also notes that the following language has been added to independent claims 28, 40, and 45: “if the user elects to view advertising with the program, receiving no choice compensation from the user.” This language provides an explanation of the result of the user choosing to view advertising with the program. Claims 28, 40, and 45 already included language providing an explanation of the result of the user choosing to not view advertising with the program: “if the user elects to not view advertising with the program, receiving a choice compensation from the user,” Both of these limitations are supported in the application. See, for


example, page 4, lines 12 to page 5, line 2; page 8, line 20 to page 9, line 8; and page 9, line 17 to page 10, line 5. Note that choice compensation, as explained in these passages, is different from compensation. Choice compensation is compensation provided by the user to the content provider due to the choice the user made of whether or not to watch advertising. Regular compensation, on the other hand, is compensation provided to watch, for example, pay-per-view or cable systems, where a user has no choice in whether to pay to not view advertisements or not pay and view advertisements.

Conclusion

Applicant believes the objections and rejections in the Office Action have been addressed and that the application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone should the Examiner believe that personal communication will expedite prosecution of this application.

Respectfully submitted,

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